

From: Michael Garrity wildrockies@gmail.com
Subject: Freedom of Information Act Request
Date: December 11, 2014 at 1:02 PM
To: fw6_foia@fws.gov
Bcc: publicdefense@gmail.com

ATTACHMENT A

MG

December 11, 2014

Antoinette Urioste (or current) USFWS Region 6 FOIA
Coordinator
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Pursuant to the federal Freedom of Information Act (5 U.S.C. 552 et. seq.), the Alliance for the Wild Rockies, Inc. is filing this request for information. The Alliance for the Wild Rockies is a 501(c)(3) non-profit, public interest, public education organization. Please let us know if you require we submit this request by certified mail.

We submit this FOIA request for the entire underlying project file for your recent conclusion published in the Federal Register on December 5, 2014 that the Cabinet-Yaak grizzly bear is no longer warranted for listing as an endangered species under the ESA. We anticipate that the project file will include, but not be limited to, all reference documents and scientific studies and monitoring reports that FWS used to support this decision, including draft documents, and all correspondence, emails, and meeting and discussion notes regarding this decision.

If you choose to withhold any of these requested documents

If you choose to withhold any of these requested documents, please provide us with a Vaughn index or privilege log that individually lists the name of each and every withheld document and the specific exemption under FOIA under which you believe you are legally entitled to withhold that document. We prefer electronic copies of all documents.

To the requester's knowledge, this information is not available from any other federal, state, or public agency required to provide it. In addition, the release of this information will not result in financial benefit to the Alliance for the Wild Rockies or any individuals, groups or organizations.

I hereby request a fee waiver for all search and duplication fees under the FOIA regulations [5 U.S.C. Sec. 552 (a) (4) (A) and 36 CFR 2.19(c) (1)]. The information requested will benefit the citizens of the United States and is for the purpose of public education and to encourage public debate on important policy issues. The requested information will be made available to the public through the Alliance for the Wild Rockies' central office and our website. Information available through the Alliance's office and/or website is used in press conferences and releases, television and radio interviews, and regional and national publications, and reaches a significant number of individuals nationwide.

The language of the FOIA clearly indicates that Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government records. In addition, the legislative history of the FOIA fee waiver language indicates that Congress intended a liberal

interpretation of the phrase "Primarily benefiting the public."

This suggests that all fees are to be waived whenever the release of information contributes to public debate on important policy issues. This has been affirmed by the US Court of Appeals for the District of Columbia, in *Better Government Association v. Department of State*, 780 F. 2d 86 (D.C. Cir., 1986). In that case, the Court found that under the FOIA, Congress had explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search for FOIA information requests (*Id.* at 89).

I appreciate your help. Thank you for your time.

Sincerely yours,

Michael Garrity
Executive Director
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